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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,380	01/22/2001	Fumio Nagashima	1080.1045CIPD3	1046
21171	7590	09/08/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VO, TED T	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,380

Applicant(s)

NAGASHIMA ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-55 and 58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-55 and 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in communication to the amendment filed on 06/22/2005.  
Claims 53-55, and 58 remain pending in the application.

### *Response to Arguments*

2. Applicants' arguments to the limitations of Claims 53-55, and 58 have been considered.  
Especially, Applicants argue the Visual framework disclosed by Nelson is in contrast to their Claims.  
For example, Applicants, argue:

- Their Fig. 101 provides a component A including *"existing software having the graphical user interface"* (emphasis added)(remarks: p.5).

[With respect to this argument: Examiner notes that the component builder of the visual basic has a graphic user interface such as "command" button; this command links to a code portion. For example, Figure 1-9 (p.13) shows a text window to allow a user entering data and code that defines functionality of a button such as the button the Stopwatch (similarly to Window Management → BURTON 1, 2, 3 in Fig 101)].

- Their claims having *"by storing data related to the existing software having the graphical user interface"* (remarks: p.6) (or *storing as an operation method related to the existing software* (remarks: p.6)).

[With respect to this argument: Examiner notes data and methods are elements of a program function/object. With data, it depends on a user-defined program/code, where the window of Figure 1-9 is available for the user to define. Some properties defined in properties section are assigned to the code section of the component builder. Moreover, some data defined via the component builder is directly attached (stored) in the procedures or objects as parameters (See page 164: Objects as parameters)].

- With regard to claimed limitation, "object Method portion...", Applicants argue that Visual basic discusses user defined callable routines associated with an object (emphasis added)(Remarks: p.6, third

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paragraph). Applicants noted that page 154 of Visual Basic expressly discloses that Visual Basic "does not allow user-defined method" (Remarks: p.6, third paragraph).

[Examiner disagrees: The note in page 154 only refers to a particular version of Visual basic, it is for Microsoft interest. It should further see page 164 and it should be noted that the user defined functions or the build-in methods, and the object method portion according to the claim are not patentable distinct because these portions present only a mere code].

The arguments is not persuasive because the claims are broad that can be read the component builder of Nelson. The rejection will be maintained.

A new ground of the rejection is also provided in this action. Accordingly, the action is non-final.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 53-55, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson, "Running Visual Basic for Windows", Microsoft Press, 1993.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per claim 53: Nelson discloses,

*"A computer readable storage that stores object oriented programming objects accessible by objects, comprising:*

*a data structure (See Figure 1-2, page 3)*

*that defines a component (Form: Form 1 in Figure 1-2. For example Form is renamed into Stopwatch 'component' (Page 11)) to serve as one object (Stopwatch: Page 11) in combination with existing software having a graphical user interface (Visual basic), by*

*storing data related to the existing software having the graphical user interface (All the data indicated as "Properties" in Figure 1-2; See Figure 1-9, and see page 164 "Object as Parameters") and*

*storing as an operation method related to the existing software (Such as: command1 in Figure 1-7), a program code controlling a data processing system according to a process of issuing an event of the existing software (such as button start: btnStart\_Click, or button stop btnStop\_Click in page 17) in response to a received message issued in another object (For example, the object (*another object*) that form start/stop click with respect to Form 1, or see adding a second Form that includes all combination click buttons (page 196, 'has more than one form'), or passing parameters among the objects (page 151-163)).*

As per claim 54: Nelson discloses,

*The computer readable storage according to claim 53, wherein said component further includes a message for informing other objects that the event is issued (page 196, 'startup form' informing, passing parameters among the objects (page 159-163) 'other objects that the event is issued').*

As per claim 55: Regarding limitation,

*A computer readable storage storing at least one program controlling a data processing system according to a process, comprising:*

*monitoring existing software having a graphical user interface for a predetermined event;*

*defining a data structure for a component that serves as one object in combination with the existing software having the graphical user interface, by storing data related to the existing software having the graphical user interface and storing as an operation method related to the existing software, a program code controlling the data processing system according to a process of issuing a message to inform another object of the predetermined event of the existing software.*

Claimed limitation has the functionality corresponding to the functionality of Claim 53. Rejection has the same rationale as set forth in Claim 53.

As per claim 58: Regarding limitation,

A method of replacing an existing software having a graphical user interface with one object oriented programming object accessible by objects, comprising:  
monitoring the existing software having the graphical user interface for a predetermined event;  
defining a data structure for a component that serves as the one object in combination with the existing software having the graphical user interface, by storing data related to the existing software having the graphical user interface and storing as an operation method related to the existing software, a program code controlling a data procession system according to a process of issuing a message to inform another object of the predetermined event of the existing software.

Claimed limitation has the functionality corresponding to the functionality of Claim 53. Rejection has the same rationale as set forth in Claim 53.

5. Claims 53-55, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxfield, "Designing With Objects", MachTech, Vol. 7, Issue No. 1, 1991.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per claim 53: Maxfield discloses,

*"A computer readable storage that stores object oriented programming objects accessible by objects, comprising:*

*a data structure (See Diagrams, for example diagram 1, p. 3) that defines a component (refer to Objects, files in this reference) to serve as one object in combination with existing software having a graphical user interface (see p.3, and diagram 2, existing files that read "rectangular box" and the text, "external event which causes some..."), by storing data related to the existing software having the graphical user interface (See Diagrams, for example: p.3, Diagram 2, "existing files", "new File" and associated text, "Third, ...") and storing as an operation method related to the existing software a program code controlling a data processing system according to a process of issuing an event of the existing software (See Diagrams, for example: p. 4, Diagram 4, "myDatafile", and see associated text in p. 3,*

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"First, ...") in response to a received message issued in another object (See Diagrams, for example: p. 3, Diagram 1, the arcs "GetExistingFile" and "ACK/NAK", and see associated text in p. 3, "Second, ...").

As per claim 54: Maxfield discloses,

*The computer readable storage according to claim 53, wherein said component further includes a message for informing other objects that the event is issued (See Diagrams, refer to the arcs, and see p.1-2, sec. 1 Messages).*

As per claim 55: Regarding limitation,

*A computer readable storage storing at least one program controlling a data processing system according to a process, comprising:*

*monitoring existing software having a graphical user interface for a predetermined event;*

*defining a data structure for a component that serves as one object in combination with the existing software having the graphical user interface, by storing data related to the existing software having the graphical user interface and storing as an operation method related to the existing software, a program code controlling the data processing system according to a process of issuing a message to inform another object of the predetermined event of the existing software.*

Claimed limitation has the functionality corresponding to the functionality of Claim 53. Rejection has the same rationale as set forth in Claim 53.

As per claim 58: Regarding limitation,

*A method of replacing an existing software having a graphical user interface with one object oriented programming object accessible by objects, comprising:*

*monitoring the existing software having the graphical user interface for a predetermined event;*

*defining a data structure for a component that serves as the one object in combination with the existing software having the graphical user interface, by storing data related to the existing software having the graphical user interface and storing as an operation method related to the existing software, a program code controlling a data procession system according to a process of issuing a message to inform another object of the predetermined event of the existing software.*

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Claimed limitation has the functionality corresponding to the functionality of Claim 53. Rejection has the same rationale as set forth in Claim 53.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2192  
September 2, 2005